

GOVERNMENT & POLITICS

Missouri Secretary of State enlists auditor's subpoena power to investigate Hawley

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Republican Secretary of State Jay Ashcroft has formally requested that the state's Democratic auditor investigate allegations that Missouri Attorney General Josh Hawley used public resources to support his successful campaign for the U.S. Senate.

Missouri Auditor Nicole Galloway was already scheduled to begin an audit of the attorney general's office in January. Galloway's office conducts an audit any time there is a change in a statewide office.

Ashcroft is seeking to enlist Galloway's subpoena power in an investigation sparked by a complaint filed in early November with the secretary of state's office by The American Democracy Legal Fund, a liberal group backed by influential Democratic operative David Brock. The group demanded an investigation to determine whether Hawley should be prosecuted for violating a state law barring elected officials from using public funds to support political campaigns.

The secretary of state's office began its formal investigation into the allegations last week.

The complaint cited a report by The Kansas City Star in October that [out-of-state campaign consultants who would go on to run Hawley's Senate campaign gave direct guidance and tasks to taxpayer-funded staff](#) in the attorney general's office, and also worked to raise Hawley's national profile. The consultants led meetings with official staff during work hours in the state Supreme Court building in Jefferson City, where the attorney general's office is located.

The arrangement raised concerns among some of Hawley's employees about the mixing of politics with public business. They also became confused about the chain of command in the attorney general's office.

Hawley, a Republican, defeated U.S. Sen. Claire McCaskill, a Democrat, last month. He will resign as attorney general when he is sworn in as a senator in January.

In a letter to Galloway sent Monday morning, Ashcroft lamented that his office has limited tools available to investigate the allegations.

"For example..., " Ashcroft wrote, "we have no subpoena power over documents or persons."

By contrast, Ashcroft wrote, the auditor does have subpoena powers "over persons and documents."

Galloway's office was not immediately available for comment.

Under Missouri law, elected officials can tap into their campaign cash to pay for expenses incurred in connection with their official duties. But both state and federal law prohibits any [use of public funds for personal or political purposes](#).

In 1993, former Attorney General Bill Webster pleaded guilty to two federal felony charges related to using his state staff and office equipment for his campaign. Webster was sentenced to two years in prison.

John Sauer, first assistant and solicitor in Hawley's office, sent a lengthy rebuttal of the American Democracy Legal Fund, calling the organization "leftist" and their complaint "a frivolous act of political harassment."

Sauer's analysis said that there was no Senate campaign at the time of the alleged expenditures, no evidence of public communication that advocated for or opposed any candidate, and that the American Democracy Legal Fund lacked first-hand knowledge of the allegations in its complaint.

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Sauer's letter asked Ashcroft to "speedily dismiss this complaint as frivolous" while pledg-

Ashcroft asked Galloway to grant his office access to any information she obtains that relates to the allegations or improper use of state resources, as well as allow the secretary of state's office to sit in on any interviews. In return, he promised to share any information his office obtains that could benefit Galloway's audit.

Galloway's audit is not expected to be complete until the middle of next year.

In addition to the letter to Galloway, Ashcroft's general counsel, Khristine Heisinger, sent a letter to Solicitor General John Sauer formally requesting information from the attorney general's office, including a copy of all open records requests from and response to The Kansas City Star from the beginning of Hawley's term in 2017 until Oct. 31, when The Star [first reported on the role the consultants played in his official office](#).

She also sent a letter to The Star asking for "access to or copies of all documents" referred to in the Oct. 31 story.

The Star has declined to provide the documents to the secretary of state's office. Bernard Rhodes, The Star's attorney, said in a letter to Heisinger that the press must remain separate from the three branches of government.

"This independence is a hallmark of First Amendment jurisprudence, and is the foundation of the principle that the press must maintain its independence," Rhodes wrote. "One of the ways the press does this is by not becoming deputized as the government's investigator; for once the press is viewed as merely an arm of the government, sources dry up ... and the public is deprived of important information."



Jay Ashcroft, left, stands next to Josh Hawley, center, as he applauds with others at the January 2017 State of the State address. **TIM BOMMEL** - MISSOURI HOUSE COMMUNICATIONS



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